

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Kim M. Shields : Bankruptcy Case No. 17-21251-TPA  
*Debtor(s)* : Chapter 13

**PLAN CONFIRMATION ORDER**

**AND NOW**, this **21st** of **March, 2022**, it is hereby **ORDERED, ADJUDGED and DECREED**, with the consent of all the Parties in attendance, as follows:

**A** The Chapter 13 Plan dated **February 8, 2022**, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court.

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**1. Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

**2. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**3. Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**4. Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**5. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

**1.** Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

Revised 7/26/2021

2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.


7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.

  
Thomas P. Agresti nms  
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:  
Kim M. Shields  
Debtor

Case No. 17-21251-TPA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Mar 21, 2022

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 15

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 23, 2022:

Recip ID	Recipient Name and Address
db	+ Kim M. Shields, 1212 Harrow Hill Court, Coraopolis, PA 15108-9018
cr	+ Wilmington Trust, National Association, not in its, c/o Fay Servicing, LLC, 3000 Kellway Dr. Ste 150, Carrollton, TX 75006-3357
14392216	+ James P. Shields, 1212 Harrow Hill Court, Coraopolis, PA 15108-9018
14411423	#+ Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-1663
14392218	Wells Fargo bank, c/o Martha Von Rosentiel, Esquire, 649 South Avenue, Suite 7, Chester, PA 19016
14866742	Wilmington Trust, National Association, Fay Servicing, LLC, PO Box 814609,, Dallas, TX 75381-4609

TOTAL: 6

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/PDF: resurgentbknotifications@resurgent.com	Mar 21 2022 23:20:00	LVNV Funding LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
cr	Email/PDF: resurgentbknotifications@resurgent.com	Mar 21 2022 23:19:51	Pinnacle Credit Services, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14392215	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 21 2022 23:13:00	Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
14661699	Email/PDF: resurgentbknotifications@resurgent.com	Mar 21 2022 23:19:56	LVNV Funding, LLC its successors and assigns as, assignee of General Electric Capital, Corporation, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14661700	Email/PDF: resurgentbknotifications@resurgent.com	Mar 21 2022 23:19:56	LVNV Funding, LLC its successors and assigns as, assignee of GE Money Bank, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14393417	+ Email/PDF: rmscedi@recoverycorp.com	Mar 21 2022 23:20:00	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14398703	Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 21 2022 23:13:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg PA 17128-0946
14638806	Email/PDF: resurgentbknotifications@resurgent.com	Mar 21 2022 23:20:00	Pinnacle Credit Services, LLC C/O Resurgent Capita, P.O. Box 10675, Greenville, SC 29603-0675
14641064	+ Email/PDF: ebn_ais@aisinfo.com	Mar 21 2022 23:19:55	Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 9

## BYPASSED RECIPIENTS

District/off: 0315-2

User: auto

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The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Fay Servicing as servicer for Wilmington Trust, Na
cr		WELLS FARGO BANK, N.A.
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 23, 2022

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 21, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Fay Servicing as servicer for Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 bnicholas@kmlawgroup.com
David Z. Valencik	on behalf of Debtor Kim M. Shields dvalencik@c-vlaw.com cvlaw.ecf.dvalencik@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com:ssimmons@c-vlaw.com;mpeduto@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com
Donald R. Calaiaro	on behalf of Debtor Kim M. Shields dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com;aheath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com:ssimmons@c-vlaw.com;mpeduto@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com
Jill Manuel-Coughlin	on behalf of Creditor WELLS FARGO BANK N.A. bankruptcy@powerskirn.com
Kaitlin Shire	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 kshire@hillwallack.com, lharkins@ecf.courtdrive.com;hwbknj@hillwallack.com;aemberger@ecf.courtdrive.com
Mark B. Peduto	on behalf of Debtor Kim M. Shields mpeduto@c-vlaw.com jadam@c-vlaw.com:ssimmons@c-vlaw.com;kmosur@c-vlaw.com;apratt@c-vlaw.com;rfeil@c-vlaw.com;eratti@c-vlaw.com
Michael J Shavel	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 mshavel@hillwallack.com, ldejesus@hillwallack.com;lharkins@ecf.courtdrive.com;mshavel@ecf.courtdrive.com;aemberger@ecf.courtdrive.com
Office of the United States Trustee	ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Stephen Russell Franks	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1 amps@manleydeas.com

District/off: 0315-2

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